REMARKS

In the Office Action, claims 1-9 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,847,685 to Otsuki (hereinafter "Otsuki"). Applicants respectfully traverse this rejection for at least the following reasons.

Otsuki discloses a mechanism that supports a TV monitor display that can be moved into and out of a fixed case mounted on an automobile console panel. Otsuki goes on to teach that the display is brought into a raised posture outside of the fixed case. Otsuki discloses a specific mechanical arrangement of its mechanism's components that provide for a reduced distance by which the display is projected forward of the fixed case and also that prevents the display from striking against the vehicle gear shift lever.

As conceded to by the Office Action, Otsuki includes no disclosure of outputting a video signal depending on the detection of the raised position of the TV monitor. As discussed in detail in the previous response filed by Applicants on September 9, 2004, embodiments of the invention discussed in the instant application involve a display panel that is retracted within a dash board when not displaying a video program and that is placed in a video-visible position from the dashboard only when displaying a video program.

The Background portion of the instant application discusses certain problems in conventional "in-dash monitor" arrangements. For example, in conventional arrangements, displaying of video on the display panel commences simultaneously with the commencement of the active state. As a result, the user will not see the entire program because the program commences a few seconds before the display panel is in its fully extended (unfolded) state for the user to view it. Moreover, in conventional "in-dash monitor" arrangements, the display panel

retracts back within the dash board when the ignition key is turned off. As a result, even when the video program is completed, the display panel continues to be in its extended, active, position. As a result, the display panel remains exposed and susceptible to possible damage from heat and sun, or other environmental effects.

The embodiments associated with the instant invention are able to solve the first of these problems of the conventional arrangements by prohibiting the video output signal Sav from being output to the display panel until the display panel is fully extended to a state in which it is viewable by the user. In this way, the user will not miss any portion of the beginning of the video program. See, for example, step S18 in Fig. 5; page 15, lines 29-34; page 3, lines 1-4; and page 4, lines 8-12.

The embodiments associated with the instant invention are able to solve the second of these problems of the conventional arrangements by retracting the display panel within the dashboard once the video program is completed. This enhances the protection of the display panel from environmental effects and also allows the display panel to be retracted back into its inactive state without the need for any user interaction. See, for example, step S1 in Fig. 4; page 16, lines 1-4; and page 4, lines 18-22.

As discussed above, the newly-applied Otsuki reference is concerned only with an improved mechanical assembly of its parts to reduce the distance by which the display is projected forward of the fixed case and to prevent the display from striking against the vehicle gear shift lever. The fact that Otsuki includes no figures or associated disclosure of a video display circuitry, such as that shown in Fig. 3 of the instant application, supports the conclusion that Otsuki provides no teaching or suggestion to any extent of waiting for the display device to be placed in an active state before commencing the output of video to be displayed, in the

manner recited in each of independent claims 1, 4 and 7. As previously discussed, this feature solves the problem of conventional arrangements by prohibiting the video output signal Sav from being output to the display panel until the display panel is fully extended to a state in which it is viewable by the user. In this way, the user will not miss any portion of the beginning of the video program.

The Examiner admits that this feature of claims 1, 4 and 7 is not taught by Otsuki, but then goes on to allege that "it would have been obvious to the skilled in the art ... to modify the system of Otsuki by providing a method of controlling the photosensor by outputting a control signal for outputting the video or image to the display only when the monitor 33 is fully raised in its viewing position, in order to minimize the viewer's missing the start or end of the video or image display."

Applicants respectfully traverse this assertion because it is well understood that MPEP § 2141, under the heading "Basic Considerations Which Apply to Obviousness Rejections," points out that "the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention." [See also Hodosh v. Block Drug Co., Inc., 786 F.2d 1136, 229 USPQ 182 (Fed. Cir. 1986).] The Federal Circuit has clearly held that "the motivation to combine references cannot come from the invention itself." Heidelberger Druckmaschinen AG v. Hantscho Commercial Products, Inc., 21 F.3d 1068, 30 USPQ 2d 1377 (Fed. Cir. 1993).

Applicants respectfully submit that, absent any teaching or suggestion *in the prior art* to adapt the teachings of Otsuki to meet the claimed invention, the rejection under 35 U.S.C. § 103(a) is improper. Otsuki does not provide any teaching or suggestion of controlling the output of a video signal at any particular time. As a result, Otsuki surely does not teach or suggest waiting for a display device to reach a fully active state before commencing the outputting of a

video signal to be displayed on the display device.

Accordingly, Applicants respectfully submit that the Office Action does not provide proper evidentiary support for its conclusory assertions regarding obviousness. Applicants respectfully request, in the event that this rejection be maintained in a future Office Communication, that the Examiner provide some evidence, such as a prior art reference, in support of his assertions. Failure to do so would be further evidence of a lack of a proper rational supporting the rejection.

Even further, Applicants respectfully submit that there is no teaching or suggestion in Otsuki of detecting whether display of a video program is completed or automatically placing the display device in an inactive state upon detection of the completion of the video program, as recited in each of independent claims 2, 5 and 8. As previously discussed, this feature solves a problem of conventional arrangements by retracting the display panel within the dashboard once the video program is completed. This enhances the protection of the display panel from environmental effects and also allows the display panel to be retracted back into its inactive state without the need for any user interaction.

Applicants respectfully assert that the Office Action is in error because it has not even addressed these features of independent claims 2, 5 and 8 to any extent. Instead, the Office Action refers back to independent claim 1 for its rejections of claims 2, 5 and 8. As discussed above, it is clear that independent claims 2, 5 and 8 have particularly important features in this regard that are significantly different from those recited in independent claim 1.

Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because Otsuki does not teach or suggest each feature of independent claims 1, 2, 4, 5, 7 and 8. MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed

invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Furthermore, Applicant respectfully asserts that dependent claims 3, 6 and 9 are allowable at least because of their dependence from their respective independent claims, and the reasons set forth above.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite the prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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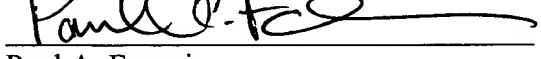
Dated: April 26, 2005 By: 

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